

## **REMARKS**

### **Pending Claims**

Claims 3, 5, 7, 9, 11 and 13 have been amended. These amendments are supported by the specification and do not introduce new matter. Upon entry of this Amendment and Reply, claims 1-14 are pending, and reconsideration in view of the amendments and comments is respectfully requested.

Applicants wish to thank the examiner for taking time to discuss and clarify some minor issues raised in the Non-final Office Action over the phone and for suggesting amendments to claims in order to overcome the rejections. The details of the issues discussed will be given in the following sections.

### **Objection of Priority**

The current application claims benefit of PCT/JP99/05423 under 35 U.S.C. 120. Such priority claim has been objected to in that the required reference to include relationship between the applications (i.e., continuation, divisional, or continuation-in-part) is absent from the specification or Application Data Sheet. Applicants submit that a corrected Application Data Sheet properly claiming benefit of PCT/JP99/05423 under 35 U.S.C. 120 is being filed along with this Amendment and Reply. As advised by the examiner, such filing of the corrected Application Data Sheet "would be sufficient to establish priority to PCT/JP99/05423 under 35 U.S.C. 120 and to the Japanese applications under 35 U.S.C. 119(a)-(d). See page 3 of Office Action. Applicants respectfully request withdrawal of the objection.

### **Rejection of claims 3, 5, 7, 9, 11 and 13 under 35 U.S.C. 112, 2<sup>nd</sup> paragraph**

Claims 3, 5, 7, 9, 11 and 13 have been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention (It has been clarified over the phone with the examiner

that claim 3 instead of claim 2 should be subjected to the rejection under 35 U.S.C. 112, 2<sup>nd</sup> paragraph.).

In particular, claims 3, 7 and 11 have been rejected because of the use of the term “derived from” in these claims. As advised by the examiner both in the Office Action and over the phone, replacement of the word “derived” with the word “established” would overcome the rejection of claims 3, 7 and 11. Applicants have amended claims 3, 7 and 11 to recite “An established cell established from ....” Accordingly, the rejection of claims 3, 7 and 11 under 35 U.S.C. 112, 2<sup>nd</sup> paragraph is overcome.

In addition, claims 5, 9 and 13 have been rejected for failing to set forth a terminal process step that clearly relates back to the preamble. As advised by the examiner both in the Office Action and over the phone, Applicants have amended claims 5, 9 and 13 by adding a terminal process that relates back to the conditionally immortalized cell in the preamble. Accordingly, the rejection of claims 5, 9 and 13 is overcome.

In view of the above, Applicants respectfully submit that the amendments overcome the indefiniteness under 35 U.S.C. 112, 2<sup>nd</sup> paragraph, and request that the §112, 2<sup>nd</sup> paragraph rejection be withdrawn.

**Rejection of claims 1-6, 7-10 and 11-14 under 35 U.S.C. §102(a)**

Claims 1-6 have been rejected under 35 U.S.C. §102(a) as being anticipated by Hosoya et al. (2001; *Exp. Eye Research*, vol. 72, pp163-172). The examiner further stated that this rejection could be overcome by perfecting the priority claim under 35 U.S.C. §120 as described above. Applicants submit that the priority claim is properly perfected by filing a corrected Application Data Sheet in this Amendments and Reply. Accordingly, the rejection of claims 1-6 is overcome.

Claims 7-10 have been rejected under 35 U.S.C. §102(a) as being anticipated by Kitazawa et al. (2001; *Pharmaceutical Research*, vol. 18, no. 1, pp16-22). The examiner further

stated that this rejection could be overcome by perfecting the priority claim under 35 U.S.C. §120 as described above. Applicants submit that the priority claim is properly perfected by filing a corrected Application Data Sheet in this Amendments and Reply. Accordingly, the rejection of claims 7-10 is overcome.

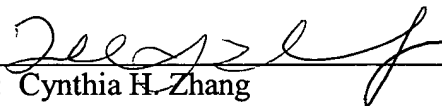
Claims 11-14 have been rejected under 35 U.S.C. §102(a) as being anticipated by Hosoya *et al.* (2000; *J. Drug Targeting*, vol. 8, no. 6, pp357-370). The examiner further stated that this rejection could be overcome by perfecting the priority claim under 35 U.S.C. §120 as described above. Applicants submit that the priority claim is properly perfected by filing a corrected Application Data Sheet in this Amendments and Reply. Accordingly, the rejection of claims 11-14 is overcome.

### **CONCLUSION**

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the examiner reconsider all the presently outstanding rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. Prompt and favorable consideration of this response is respectfully requested.

Respectfully submitted,

Date: June 18, 2004

  
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